

A meeting of the Narragansett Zoning and Platting Board of Review was held on Thursday, August 19, 2010 at 7:00 p.m. in the Board Room of the Narragansett Town Hall.

**CONVENE:** Chairman Donald L. Goodrich convenes the Zoning Board meeting at 7:10 p.m. He advises that it is a sad evening due to the passing of board member Doris Baris. Chairman Goodrich requests that everyone observe a moment of silence in her honor.

Mrs. Citrone suggests that the members of the board attend the calling hours as a group. It is agreed that if it is possible the members of the board will attend the service together.

**ROLL CALL:** Donald L. Goodrich, Chairman; Jerry Citrone, Secretary; Anthony Brunetti; Robert Mulligan; Dr. Robert O'Neill, Alternate

**ABSENT CAUSE:** James P. Manning, Vice Chairman

**ALSO PRESENT:** Jason Parker, Environmental Planning Specialist; Anthony Santilli, Building Official; Robert Donnelly, Solicitor; Brenda Enos, Stenographer; Lynn M. Gagnon, Clerk of the Boards

### **CONSENT AGENDA**

#### **NEW BUSINESS:**

- 1C     Disposition of Absence:** Discussion and possible action to excuse the absence of Robert Mulligan from the July 22, 2010 meeting.
- 2C     Minutes:** Discussion and possible action to approve the minutes of the Regular Zoning Board meeting held July 22, 2010.

**A motion is made by Mrs. Citrone, and duly seconded by Mr. Brunetti, to approve** Consent agenda items 1C and 2C. Motion passes 5-0

### **REGULAR AGENDA**

#### **NEW BUSINESS:**

- 3R     Public Hearing: Solicito- Assessor's Plat M, Lot 151 -** For relief under Chapter 731, a variance and special use permit from the Coastal and Freshwater Wetlands Overlay District (Section 4.3), a variance and special use permit from the Coastal Resources Overlay District (Section 4.4), a variance from the Dimensional Regulations (Section 6.4) and lies in the High Watertable Limitations Overlay District (Section 4.5), to construct a single-family dwelling locate at Calef Avenue.

Attorney Donald J. Packer is representing the applicant. Attorney Packer calls Bill Dowdell as a witness.

Professional Engineer William Dowdell is sworn.

Attorney Packer requests that Mr. Dowdell be qualified as an expert witness.

Chairman Goodrich advises that the Board is familiar with testimony of William Dowdell, his education qualifications, numerous appearances before this Board, and expertise therefore for the purpose of this public hearing the Board recognizes him as an expert witness in the field of engineering.

Mr. Dowdell testifies that he prepared the development plan for this project. He reviews the revised floor plan noting that the revision was due to the placement of the outside staircase outside of the deck area causing lot coverage calculation issues. The staircase on the revised plan is inside the footprint of the house.

- Applicant's Exhibit No. 1 – Amended Site Plan March 16, 2010
- Applicant's Exhibit No. 2 – Amended Floor Plan

Mr. Dowdell reviews the existing conditions noting that the lot consists of 13,000 with a drainage swale that runs along the road to the coastal bluff and a sea wall. He points out the drainage easement which has received CRMC assent. Mr. Dowdell notes that the coastal feature is the only wetlands associated with this site.

- Applicant's Exhibit No. 3 – CRMC Assent July 6, 2008
- Applicant's Exhibit No. 4 – CRMC Assent May 23, 2010

Mr. Dowdell describes the difference between the two applications noting that the original Zoning Board approval in 2008 was based on a slightly smaller house with no porch or deck and located further to the east on the parcel.

- Applicant's Exhibit No. 5 – Narragansett Zoning Board Approval 2008
- Applicant's Exhibit No. 6 – OWTS Permit

Attorney Packer submits the original plan and the revised plan noting that the improvements include a porch and a deck.

Chairman Goodrich asks about the distance from the house to the coastal feature on the revised plan.

Mr. Dowdell testifies that the distance is 40' which is the same as the original plan. He explains that the location of the house has to be at 40' from the coastal feature per requirements of CRMC.

Mr. Mulligan questions if the deck line on the new plan is the same as the house line on the original plan

Mr. Dowdell answers no, explaining that the physical house is 40' from the coastal feature noting that CRMC does not count the deck. He states that when the application went through CRMC they required that the house be shifted 10' further from the coastal feature bringing it to 40'.

- Applicant's Exhibit No. 7 – Approved Drainage Plan May 11, 2010
- Applicant's Exhibit No. 8 – Certification May 21, 2010

Mr. Dowdell reviews the erosion control plan and the landscape plan consisting of lawn and a 25' buffer to be planted with Rosa Ragusa bushes. He answers all applicable development standards of Section 4.4 and Section 4.3 favorably.

Attorney Packer calls property owner Joseph Solicito as a witness. He asks the witness to explain the purpose of the bump-out that requires setback relief from the zoning ordinance.

Joseph Solicito is sworn. Mr. Solicito states that he is a designer by trade, and in his professional opinion the front of the house looked like a box therefore the bump-out was suggested to add character to the design. He further explains that his wife is allergic to dust so the washer and dryer will be confined in that location along with a bathroom and hallway.

Mr. Brunetti asks if the bump-out is two-stories.

Mr. Solicito answers yes, noting that the roof over the bump-out isn't as high but it is two-stories.

Chairman Goodrich asks why they need a door on the room designated as office.

Attorney Packer points out that there is a door but it is to shut off the laundry and bath area. He points out that there is a half wall in that room adjacent to the great room / living room.

Dr. O'Neill states that Staff has suggested that the deck be reduced from 10' to 8' for the least relief necessary. He asks the applicant what his thoughts are regarding that suggestion.

Mr. Solicito advises that a standard table and chairs would create a tripping hazard on an 8' deck therefore the additional 2' is important especially because the layout of the deck is long and narrow.

Attorney Packer also advises that although the deck is 10' wide there is a staircase that comes up in the center creating two usable decks with a narrow passageway.

Mr. Solicito testifies that before he purchased the property he met with CRMC, and asked them about adding a deck on the rear of the house, and they had no issue with the deck just as long as they could get a lawn mower around it without going into the 25' setback.

Chairman Goodrich asks for proponents and opponents. It is noted that no proponents or opponents are present.

**A motion is made by Mr. Brunetti, and duly seconded by Dr. Robert O'Neill**, to close the Solicito public hearing. Motion passes 5-0  
(Anthony Brunetti, Dr. Robert O'Neill, Donald L. Goodrich, Jerry Citrone, Robert Mulligan)

**A motion is made by Mr. Mulligan, and duly seconded by Mr. Brunetti**, to adopt the findings of fact outlined in the project summary dated July 21, 2010 with the following additional findings:

- That the Planning Board recommended approval on a 4-0 vote with Staff conditions.
- That Attorney Donald J. Packer represented the applicant.
- That P.E. William Dowdell reviewed the revised site plan and floor plan, and Town approved drainage plan.
- That P.E. William Dowdell answered all applicable development standards of Section 4.4 and Section 4.3 of the Narragansett Zoning Ordinance favorably.
- That the following applicant's exhibits were submitted:
  - Exhibit No. 1 – Amended Site Plan dated March 16, 2010
  - Exhibit No. 2 – Amended Floor Plan
  - Exhibit No. 3 – CRMC Assent of July 6, 2008
  - Exhibit No. 4 – CRMC Assent of May 23, 2010
  - Exhibit No. 5 – Narragansett Zoning Board Approval dated February 26, 2008
  - Exhibit No. 6 – OWTS Permit
  - Exhibit No. 7 – Approved Drainage Plan dated May 11, 2010
  - Exhibit No. 8 – Certification dated May 21, 2010
- That property owner Joseph Solicito provided testimony regarding the necessity of the front-yard variance for the two-story bump-out.

Motion passes 5-0

(Robert Mulligan, Anthony Brunetti, Donald L. Goodrich, Jerry Citrone, Dr. Robert O'Neill)

**A motion is made by Mr. Mulligan, and duly seconded by Mr. Brunetti**, to grant the requested relief a 92' variance and special use permit from Section 4.3 Coastal and Freshwater Wetlands Overlay District, a 171' variance and special use permit from Section 4.4 Coastal Resources Overlay District, and a 1.5' front-yard setback variance from Section 6.4 Dimensional Regulations with the following conditions:

1. That all construction is done in strict conformance with the Site Plan completed by Dowdell Engineering, Inc. dated March 14, 2006 (last revised March 16, 2010) and any revisions approved by the Planning Board and/or Zoning Board of Review associated with Staff recommendations. If CMRC were to modify the Site Plan, this project may still be approved provided additional zoning relief is not necessary.
2. That the 25' buffer zone along the inland side of the coastal feature is allowed to revegetate naturally and markers (stone bounds, boulders, or other permanent objects) are installed to help delineate this area. No further clearing, cutting, or filling may occur to the coastal side of this limit.
3. That Zoning Board approval be contingent upon the CRMC verifying the edge of the coastal feature and issuance of an assent for this project. If CRMC were to determine the edge of the coastal feature to be located west of top of the coastal embankment, the applicant must re-submit the site plan to the Department of Community Development for further review.
4. That all conditions of the DEM approved two-bedroom ISDS (RIDEM Application No. 0320-0696) are strictly adhered to. If public sewers were to become available in this area, this condition no longer applies.
5. That the property owner obtain a Road Construction Permit from the Department of Public Works prior to the commencement of site work.
6. That any area of disturbance be reseeded or sodden with a low maintenance conservation grass mixture. Information relative to possible seed mixtures is available through the Department of Community Development. Only slow release fertilizers are permitted to maintain an intact vegetative cover.
7. That prior to the issuance of a building permit, the applicant must submit a comprehensive erosion control plan to the building official for their approval. The plan must be in accordance with the Rhode Island Soil Erosion and Sedimentation Control Handbook. Said erosion control measures must be in place prior to the start of any construction and shall be maintained or replaced throughout the construction phase. They may only be removed when vegetative cover has been restored.

Motion passes 5-0

(Robert Mulligan, Anthony Brunetti, Donald L. Goodrich, Jerry Citrone, Dr. Robert O'Neill)

**4R     Public Hearing: San Antonio – Assessor's Plat S, Lots 11 & 12** - For relief under Chapter 731, a variance and special use permit from Section 4.3 Coastal and Freshwater Wetlands Overlay District, and a road frontage variance from Section 25.1.4 Road Frontage to construct a single-family dwelling at Sylvan Road.

**A motion is made by Mr. Mulligan, and duly seconded by Mr. Brunetti**, to set the San Antonio public hearing to a date certain of September 23, 2010 due to improper abutter notification. Motion passes 5-0

(Robert Mulligan, Anthony Brunetti, Donald L. Goodrich, Jerry Citrone, Dr. Robert O'Neill)

**5R     Public Hearing: Donilon – Assessor's Plat J, Lot 27** - For relief under Chapter 731, a variance and special use permit from Coastal Resources Overlay District (Section 4.4), and a special use permit from Amendments to Previous Zoning Board Decisions (Section 12.5), to make exterior improvements to an existing single-family dwelling located at 108 Sand Hill Cove Road.

Mathew Davitt of Davitt Design Build, Inc. is representing the applicant.

Contractor / Architect Matthew Davitt is sworn. Mr. Davitt reviews the proposal to construct a beach walkover with a viewing platform on the south westerly side of the existing deck down to the water.

Dr. O'Neill points out that the proposal also includes removal of the stairs off the existing deck, thereby eliminating the use of the current pathway through the dune.

Mr. Davitt agrees noting that they agreed to abandon the existing stairs off the deck at the Planning Board meeting.

Mr. Brunetti asks if they consider relocating the walkover.

Mr. Davitt explains that they did talk about relocating the walkover but the problem is the observation deck. He states that sitting on the deck you cannot see the water but if they relocate the observation deck it will be above the existing deck and further block the view which is why the walkover is located where it is. Mr. Davitt further explains that at CRMC they agreed to revegetate the existing pathway through the dune.

Chairman Goodrich asks Staff how they feel about the proposal.

Mr. Parker states that Staff feels that there is a better alternative than what is proposed.

Dr. O'Neill asks if there is a view of the water if the walkover is relocated over the existing pathway.

Mr. Davitt answers yes noting that if the structure is installed according to CRMC regulations the walkover will be higher than the existing deck.

Dr. O'Neill asks how this proposal is different from just making the deck larger.

Mr. Davitt explains that the observation deck is higher than the existing deck and the walkover is attached to it creating a walkway to the water.

Chairman Goodrich points out that the neighborhood consists of a lot of pathways through the dunes but no walkovers.

Mr. Davitt testifies that as you go further west the properties all have walkovers and he informs the Board that CRMC is in favor of walkovers over pathways as an access to the water to protect the dune.

Dr. O'Neill asks Jay what his thoughts are with regard to the application.

Mr. Parker explains that when reviewing applications he looks for the least relief necessary, and if there are other alternatives. He states that in this case they have a good size deck so adding a viewing platform raises the question if this is the least relief necessary. Mr. Parker points out that, in Staff's opinion, by locating the walkover over the pathway that is already disturbed there would be less disruption to the dune.

Mr. Davitt states that the actual size of the existing deck is 14' x 10' not 14' x 18' which is the size that Staff's listed on the project summary. He notes that in order to meet CRMC regulations

if they have to attach the structure to the front of the deck they will have to use part of the existing deck as a stairway to come off it onto the observation platform but if it is constructed to the side of the existing deck they won't be using any space on the existing deck.

Mr. Parker points out that the location of the new deck will have to meet flood zone regulations.

Mr. Davitt agrees explaining that the observation deck and the walkover will be free-standing; it will not be part of the existing deck thereby meeting the flood regulations. He notes that it will be constructed up against the existing deck but not attached.

Mr. Brunetti questions the difference from locating the walkover in front of the deck or to the side.

Mr. Davitt answers that his client would like to locate the observation deck up against the house rather than in front of the existing deck because the stairs leading to the observation deck and walkover would reduce the size of the already small deck, and also block their view when sitting on the deck. He suggests that the stairs and observation deck could be attached to the easterly corner of the deck thereby going over the existing pathway through the dune as apposed to the middle of the existing deck.

Chairman Goodrich suggests that they start the new deck at the bottom of the steps that are off the existing deck and then follow the existing path to the water.

Mr. Davitt asks if Mr. Goodrich is suggesting that they walk off the existing stairs then up another set of stairs.

Chairman Goodrich answers yes, explaining that in that way the walkover can be located over the area of the dune that is already disturbed.

Mr. Davitt points out that with what they are proposing the existing stairs would be abandoned and a deck rail would go across that area of the deck. He notes that by continuing the stairs up and down the property owner would be looking directly at the joist on the observation deck from the existing deck.

Chairman Goodrich states that now we are talking about a viewing area for the convenience of the homeowner. He suggests that there is no obstruction of view if the walkover is located to the south side.

Mr. Davitt advises that the only view that his client currently enjoys is through the pathway and relocating the platform to that area will block that view.

Chairman Goodrich states that he understands. He suggests that if the deck was started on the westerly corner then the stairs could face west and the homeowner will have their view corridor.

Mr. Davitt agrees with that alternative noting that location will not block the view from the existing deck.

Mrs. Citrone questions the purpose of the walkover.

Mr. Davitt answers to get to the beach. He explains that CRMC is in favor of walkovers because they minimize the disturbance of the dune; the paths have been there for 100 years so they can't stop people from using them but they would like to eliminate paths and just have dune walkovers.

Mrs. Citrone asks if CRMC is going to mandate that pathways the dunes be eliminated thereby causing everyone in that situation to construct walkovers.

Mr. Davitt states that there are no CRMC mandates regarding pathways to access the water but they would like to eliminate there use.

Chairman Goodrich asks for proponents and opponents. It is noted that no one spoke in favor or against the application.

**A motion is made by Mrs. Citrone** to continue the public hearing.

Dr. O'Neill asks Mr. Davitt if the applicant would withdraw their application for the walkover to protect the dune if they didn't get their viewing platform approved.

Mr. Davitt answers that he does not know the answer to that but perhaps.

Chairman Goodrich advises the board members that the proposal is open for discussion and if it doesn't look like it is going to be approved Mr. Davitt can request a continuance so he can speak with his client.

Solicitor Donnelly notes that the decision can be continued to another night.

**Mrs. Citrone withdraws her motion to close the public hearing.**

Chairman Goodrich states that he is willing to go back to his first idea that the structure be located off the stairs attached to the existing deck.

Dr. O'Neill agrees suggesting that relocating the structure over the existing pathway through the dune is the most ecological location.

Mrs. Citrone, Mr. Brunetti, and Mr. Mulligan express support for the location suggested by Chairman Goodrich.

Mr. Davitt questions exactly what the board is suggesting.

Chairman Goodrich explains that in order to access the structure you would have to walk down the stairs attached to the existing deck then walk up a stairway to the structure.

Mr. Davitt expresses concern that the board's decision will eliminate all of his applicant's view of the water from their existing deck.

Chairman Goodrich answers that is correct.

Mr. Davitt states that the only view would be from the 10' x 10' observation deck, and the walkover.

Chairman Goodrich states that he doesn't believe that the observation deck will obstruct anything. He explains that he also lives on the water and there are structures located in front of him, and he can still see the water and boats in the distance.

Mr. Davitt points out that his client's home and deck is located below the dune crest. He agrees with Staff's analogy that the deck is low and technically it should be raised but CRMC will not allow it because it is located in the 75' setback.

Solicitor Donnelly questions how much higher the boardwalk is than the deck.

Mr. Davitt answers approximately 18".

Chairman Goodrich asks Mr. Davitt if he wants the decision delayed until next month.

Mr. Brunetti suggests that for design purposes that it would be better to just abut the existing deck with the observation deck and walkover.

Mr. Davitt asks if the members of the board would be in agreement with locating the view platform in the original location with the walkway running parallel to the deck then 90 degrees (over the pathway) to the water.

Mr. Brunetti points out that the suggestion by Mr. Davitt is a combination of his idea and the Chairman's ideal.

Mr. Davitt offers another alternative suggesting that they leave the walkway where it was and bring the viewing deck towards the southwest corner.

Chairman Goodrich states that that was his original suggestion.

Mr. Parker asks if the walkover would be part of the deck, and if it will then be 14' wide.

Mr. Davitt answers yes explaining that it will be 14' wide but the walkover will be free-standing.

Mr. Brunetti questions what the relocation does to the vegetation.

Mr. Davitt answers nothing noting that there is not much vegetation in the front area.

Dr. O'Neill asks if the proposed walkway will be meandering so that it covers the existing pathway.

Mr. Davitt offers that it can be.

Mr. Parker suggests that it would not be an issue if the walkover goes down the average straight line of the path.

The members of the board are in agreement with the last scenario suggested by Mr. Davitt.

Mr. Mulligan suggests that they vote to approve the proposal based on a revised site plan.

Solicitor Donnelly agrees that the site plan needs to be revised.



Chairman Goodrich suggests that they approve the walkover subject to confirmation that the platform will be moved to the southwest corner abutting the existing deck, and the dune walkover be constructed in a straight line following as closely as possible the existing path.

Mr. Davitt offers to have the site plan redrawn to the specifics stated this evening noting that his client will be happy with this proposal, and that the Board is also happy with the proposal.

Mr. Parker, using the GIS, draws out the approximate location of the observation deck and the walkway per the Zoning Board's specifications.

It is noted that Zoning board members and Mr. Davitt are in agreement with the approximate location as noted by Mr. Parker.

**A motion is made by Mrs. Citrone, and duly seconded by Mr. Mulligan,** to close the Donilon public hearing. Motion passes 5-0

(Jerry Citrone, Robert Mulligan, Donald L. Goodrich, Anthony Brunetti, Dr. Robert O'Neill)

**A motion is made by Mr. Brunetti, and duly seconded by Mr. Mulligan,** to adopt the findings of fact outlined in the project summary dated July 21, 2010 with the following additional findings:

- That contractor Mathew Davitt represented the applicant, and presented the proposal for an observation deck and dune walkover.
- That Mr. Davitt agrees to submit a revise site plan showing the relocation of the walkover to abut the stairs located on the existing deck and the 10' x 10' viewing platform to abut the walkover to the west.

Motion passes 5-0

(Anthony Brunetti, Robert Mulligan, Donald L. Goodrich, Jerry Citrone, Dr. Robert O'Neill)

**A motion is made by Mr. Brunetti, and duly seconded by Dr. Robert O'Neill,** to grant the requested relief a 200' variance and special use permit from Section 4.4 Coastal Resources Overlay District, and a special use permit from Section 12.5 Amendments to previous Zoning Board Decisions with the following conditions:

1. That all construction is done in strict conformance with a revised site plan to be completed by Dowdell Engineering, Inc showing the relocation of the walkover to abut the stairs located on the existing deck and the 10' x 10' viewing platform to abut the walkover to the west.. If CRMC were to modify this plan, the project may still be approved provided additional zoning relief is not necessary.
2. That the limit-of-disturbance described on the Site Plan becomes permanent. Stone bounds, boulders, or some other permanent form of marker shall delineate this limit. No further clearing, cutting, or filling may occur outside of this limit.
3. That the existing sand pathway and other unvegetated areas associated with human disturbance within the dune are replanted with appropriate vegetation (*i.e.*, Dunegrass [Ammophila breviligulata], Beach Pea [Lathyrus japonicus], Rosa Rugosa, etc.) to help return impacted parts of the dune to natural conditions.
4. That the proposed walkover structure is not connected to the existing deck and/or existing dwelling or the applicant submits a revised site plan confirming that the bottom of the stringers are located at or above elevation 18' and that the existing deck is at or above the AO 1' BFE.

5. That Zoning Board approval is contingent upon the CRMC assent. If CRMC were to modify this plan, this project may still be approved provided no further zoning relief is required.

Motion passes 5-0

(Robert Mulligan, Dr. Robert O'Neill, Donald L. Goodrich, Jerry Citrone, Anthony Brunetti)

**6R    Public Hearing: Van Brocklin – Assessor's Plat Y-3, Lot 265** - For relief under Chapter 731, a variance and special use permit from Section 4.3 Coastal and Freshwater Wetlands Overlay District and a side-yard setback variance from Section 6.4 Dimensional Regulations to construct a single-family dwelling on Sarasota Avenue.

**A motion is made and amended by Mr. Brunetti, and duly seconded by Mrs. Citrone**, to continue the Van Brocklin public hearing to a date certain of October 21, 2010.

Motion passes 5-0

(Anthony Brunetti, Jerry Citrone, Donald L. Goodrich, Robert Mulligan, Dr. Robert O'Neill)

**CALL TO THE PUBLIC: Non-Agenda Items**

Your comments pertaining to the Zoning and Platting Board of Review business are welcome. Boards and/or Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Chairman Goodrich explains that agenda item Call to the Public will no longer appear on the Zoning Board agenda. He advises that according to Solicitor McSally Rhode Island State Law does not require that the Zoning Board hold a public forum at its meetings.

**REPORTS FROM STAFF:**

Chairman Goodrich asks for reports from Staff. It is noted that there are no reports submitted by Staff.

**REPORTS FROM THE ZONING AND PLATTING BOARD OF REVIEW:**

Chairman Goodrich advises that there are no reports from the Zoning Board at this time.

**AGENDA ITEMS FOR NEXT MEETING:**

Chairman Goodrich announces the agenda items for the September 23<sup>rd</sup> Zoning Board meeting:

**Richard Caruso – Tax Assessor's Plat Y-1, Lot 270, 10 Brush Hill Road**

**Sergio and Deborah DeSimone – Tax Assessor's Plat N-S, Lot 628 Bonnet Point Road**

**Joseph Caruso – Tax Assessor's Plat Y-1, Lot 37, 14 Flintstone Road**

**Stop & Shop – Tax Assessor's Plat W, Lot 90, 91 Point Judith Road**

**ADJOURNMENT:**

**A motion is made by Mrs. Citrone, and duly seconded by Mr. Brunetti**, to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Lynn M. Gagnon  
Clerk of the Boards